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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 088941/0195

Applicant: Koichi INAGAKI

Title: PROGRAM RECORDING AND DISTRIBUTING SYSTEM,
PROGRAM RECORDING AND DISTRIBUTING METHOD, AND
RECORDING MEDIUM FOR RECORDING A RECORDING AND
DISTRIBUTING PROGRAM

Serial No.: 09/840,030

Filed: April 24, 2001

Examiner: Unknown

Art Unit: 2611

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**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any documents herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is believed to be filed in accordance with 37 C.F.R. 1.97(b), prior to the mailing date of a first Office Action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office Action on the merits has been mailed before the filing of the instant Information Disclosure Statement, then either a certification or fee is required, and a certification is provided below. If neither of the first or second scenarios is the case, such as if a final Office Action or a notice of allowance has been mailed by the PTO (third scenario), then both a certification and fee are required, and in that case a certification is provided below and also the PTO is authorized to obtain the necessary fee to have the instant IDS considered, from Foley & Lardner Deposit Account #19-0741.

CERTIFICATION

The undersigned hereby certifies in accordance with 37 C.F.R. §1.97(e)(1) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement.

RELEVANCE OF EACH DOCUMENT

A translation of a portion of a Japanese Office Action that issued February 12, 2003 with respect to a counterpart Japanese patent application is provided below.

"Note

(For a list of the cited literature, see the List of Cited Literature.)

Claims: 1 through 10

Cited Literature: 1, 2

Remarks

Described in Cited Literature 1 and 2 is a technology that records a program broadcast from a broadcasting station based on a recording request received from a client, and that delivers said recorded program based on a delivery request from the client for said program. Claims 1 and 2 [of the present application] could have been easily conceived by a person skilled in the art from the

descriptions in either Cited Literature 1 or 2. Refer specifically to the description in (0012) of Cited Literature 1 and in (0024) of Cited Literature 2 regarding technology in which the server records a program based on a record request.

Moreover, Claims 3 through 10 could also have been easily conceived by a person skilled in the art from the technologies described in Cited Literature 1 and 2. The fact that, when storing the program data, the corresponding storage time and program name are attached and stored, and the fact that the program data stored when conducting delivery processing is continuously delivered are features that could be suitably selected by a person skilled in the art.

List of Cited Literature

1. Japanese Unexamined Patent Application Publication H11-225320
2. Japan Unexamined Patent Application Publication 2000-31964

Record of Prior Art Literature Search Results

Fields searched - IPC 7th Ed. - H04N 7/10, 7/16-7/173
H04N 5/76-5/956

Prior art literature

Japanese Unexamined Patent Application Publication H8-56352
Japanese Unexamined Patent Application Publication H10-177777

Dispatch No. 042410
Dispatch date February 12, 2003 - 4/4

Japanese Unexamined Patent Application Publication H10-247345
Japanese Unexamined Patent Application Publication H11-177962

This Record of Prior Art Search Results does not constitute a reason for rejection."

Applicants' statements regarding the Japanese Office Action are based on a partial translation that Applicants' representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

Applicant respectfully request that the listed document be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO SB/08 be returned in accordance with MPEP §609.


Respectfully submitted,

28 March, 2003
Date

Phillip J. Articola
Phillip J. Articola
Registration No. 38,819

FOLEY & LARDNER
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5109
Telephone: (202) 672-5300
Facsimile: (202) 672-5399

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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: March 28, 2003 <i>(use as many sheets as necessary)</i>				Complete if Known		
Application Number				09/840,030		
Filing Date				04/24/2001		
First Named Inventor				Koichi INAGAKI		
Group Art Unit				2611		
Examiner Name				Unknown		
Attorney Docket Number				088941-0195		

[illegible][illegible]

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ^o

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.